

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

## **ORDER**

On April 28, 2008, the United States Magistrate Judge William A. Knox recommended dismissing plaintiff's incomprehensible filings, pursuant to 1915(e)(2)(B), as frivolous and for failure to state a claim on which relief may be granted. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on May 7, 2008. After careful review of plaintiff's exceptions, the court cannot decipher his handwriting, and therefore, cannot evaluate the merits of his objections. Accordingly, the court is persuaded that the recommendation of the Magistrate Judge to dismiss plaintiff's claims should be adopted. Dismissal, however, is to be without prejudice.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of April 28, 2008, is adopted, in part. [11] It is further

ORDERED that plaintiff's claims are dismissed, without prejudice, as incomprehensible.  
It is further

ORDERED that plaintiff's motions for orders are denied. [4, 5]

/s/

NANETTE K. LAUGHREY  
United States District Judge

Dated: May 20, 2008  
Jefferson City, Missouri